

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KADIJAH ELLISON, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDDIE DEANS,

Respondent-Appellant,

and

LADONNA ELLISON,

Respondent.

In the Matter of JOHN DEANS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDDIE DEANS,

Respondent-Appellant,

and

LADONNA ELLISON,

Respondent.

UNPUBLISHED

March 29, 2007

No. 273227

Kent Circuit Court

Family Division

LC No. 05-050405-NA

No. 273229

Kent Circuit Court

Family Division

LC No. 05-050667-NA

In the Matter of AKEEN DEANS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDDIE DEANS,

Respondent-Appellant,

and

LADONNA ELLISON,

Respondent.

No. 273230
Kent Circuit Court
Family Division
LC No. 05-050668-NA

In the Matter of QUAVON DEANS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDDIE DEANS,

Respondent-Appellant,

and

LADONNA ELLISON,

Respondent.

No. 273231
Kent Circuit Court
Family Division
LC No. 05-050669-NA

In the Matter of JAHEIM DEANS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

EDDIE DEANS,

Respondent-Appellant,

and

LADONNA ELLISON,

Respondent.

No. 273232
Kent Circuit Court
Family Division
LC No. 05-050670-NA

Before: Zahra, P.J., and Bandstra and Owens, JJ.

PER CURIAM.

In these consolidated appeals, respondent Eddie Deans appeals as of right from the trial court's order terminating his parental rights to the minor children under MCL 712A.19b(3)(g).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Although respondent's stated issue on appeal addresses the children's best interests, he argues substantively that petitioner violated his rights under the Americans with Disabilities Act (ADA), 42 USC 12101 *et seq.* This argument is improperly presented because it is not included in the statement of questions presented, *Meagher v McNeely & Lincoln, Inc.*, 212 Mich App 154, 156; 536 NW2d 851 (1995), and further, it was not preserved below because respondent never raised an ADA claim in the trial court. *In re Terry*, 240 Mich App 14, 26-27; 610 NW2d 563 (2000); *Phinney v Perlmutter*, 222 Mich App 513, 544; 564 NW2d 532 (1997). In any event, we find no merit to respondent's ADA claim.

¹ Although respondent asserts that the trial court also terminated his parental rights under MCL 712A.19b(3)(c)(i) and (ii), the record reflects that the court expressly found that those statutory grounds were not established.

The record discloses that petitioner reasonably accommodated respondent's cognitive deficiencies by referring him to numerous parenting classes and offering "hands-on" assistance with his parenting skills. Although respondent took advantage of the services offered, it is not enough merely to comply with requested services. A parent must also benefit from the services offered so that he can improve parenting skills to the point where the children would no longer be at risk in his custody. *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005). In this case, although respondent substantially complied with the requirements of his case service plan, there was credible evidence that he had not benefited from the services provided sufficiently to alleviate the problems that interfered with his ability to properly parent his children. The evidence also supported the trial court's finding that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the children's ages. Therefore, the trial court did not clearly err in terminating respondent's parental rights under MCL 712A.19b(3)(g).

Further, because respondent was not capable of properly caring for his five children and addressing their special needs, termination of respondent's parental rights was not clearly contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407 (2000).

Affirmed.

/s/ Brian K. Zahra
/s/ Richard A. Bandstra
/s/ Donald S. Owens